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EXAMINER	
WU, RUTAO	

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,186	SHOFNER ET AL.	
	Examiner	Art Unit	
	Rutao Wu	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8-13,15,16,18-21,23,24,26-31,33,34 and 36-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,8-13,15,16,18-21,23,24,26-31,33,34 and 36-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. In response filed on February 15, 2006, claims 4, 14, 22 and 32 are cancelled, new claims 37, 38, 39 and 40 are added.

Response to Arguments

2. Applicant's arguments, see page 15, filed February 15, 2006, with respect to drawings have been fully considered and are persuasive. The objection of drawings has been withdrawn.

3. Applicant's arguments, see page 16, filed February 15, 2006, with respect to claims 11 and 29 have been fully considered and are persuasive. The 35 U.S.C. § 112 rejection of claims 11 and 29 has been withdrawn.

Specification

4. The amendment filed February 15, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

5. In paragraph [0012], "a database of data describing individual bales of cotton..."

6. In paragraph [0012]-[0015], a fiber quality measurement instrument located at a bale press in a cotton gin for providing fiber quality data on bale classing samples cut

from individual bales substantially concurrently with the making up of cotton into individual bales.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 9, 19, 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9. In the amended claims 1, 9, 19, 27, limitation directed to "a fiber quality measurement instrument located at a bale press in a cotton gin from providing fiber quality data on bale classing samples cut from individual bales substantially concurrently with the making up of cotton into individual bales, and connected to said communications network for uploading to said database storage device." In line 7 of each respective claim receives support from the specifications based on new matter introduced.

10. Therefore, the amended limitations receive no patentable weight, and the prior claims as filed stand in the prosecution.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 10, 13-14, 18-22, 26, 28, 31-32, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No 5,805,452 to Anthony et al.

Anthony shows a system to control the process of ginning cotton that meets the limitations. See the specification portion of the patent.

Referring to claim 1:

> a database storage device connected to a communications network for storing a database of bale identifications and associated fiber quality data; and
>
> a fiber quality measurement instrument located in a cotton gin for providing fiber quality data substantially concurrently with the making up of cotton into individual bales, and connected to said communications network for uploading to said database storage device.

Anthony states in his patent: a program storage device readable by a machine is provided (column 3, lines 34-35). A computer system that may communicate with other similarly configured computer systems or with a display via a network, such as an

Ethernet local area network (column 9, lines 20-23). Tag data including name of the farmer, the variety of cotton, the farmer number, etc are transmitted via network from the gin computer to computer system. The kp_f read and write procedures can be used to display and record the tag data. The kp_f write procedure stores enough data to completely describe the current functioning of the system including the bale number (column 30, lines 19-34). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 2:

> Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 3:

> Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 4:

Where in said fiber quality measurement instrument measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 8:

wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 10:

Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for

measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 13:

> Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 14:

> Where in said fiber quality measurement instrument measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 18:

> wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture

content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 19:

> employing a fiber quality measurement instrument located in a cotton gin to provide fiber quality data substantially concurrently with the making up of cotton into individual bales; and transmitting the fiber quality data via a communications network to a database storage device that stores a database of bale identifications and associated fiber quality data.

Anthony states in his patent: a program storage device readable by a machine is provided that stores predicted values for color, moisture content, and trash content for the cotton (column 3, lines 34-35). A computer system that can receive tag data (e.g. name of the farmer, variety of cotton, harvest date, etc) of seed cotton entering the gin via network from the gin computer (column 30, lines 20-23). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 20:

> which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to

the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp_f_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 21:

Wherein said step employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 22:

Where in said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 26:

> Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 28:

> which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint

(column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp_f_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 31:

> Wherein said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 32:

> Where in said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 36:

> Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of

seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-7, 15-17, 23-25, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 6,484,149 to Jammes et al.

Anthony discloses in his patent electronic sensors that are able to determine numerous measurements of cotton fiber and the ability for the measured data be transmitted to a storage data device. Anthony does not disclose in his patent the ability for the electronic sensors to acquire images of the sample cotton fiber and transmit those images to the database.

Jammes discloses in his patent the ability for merchants to enter detail information about a new product by entering a value in the detail field. Merchants can also associate a picture of a product with the other information about the new product (column 40, lines 4-5 and 7-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electronic sensors of Anthony's invention to have the ability to take pictures of the cotton fiber as it is measuring data and transmit the images along with the data to the database storage device. One would be motivated to perform such modification to encourage buyers to purchase the products by showing them the images of the products.

5. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 5,063,507 to Lindsey et al.

Anthony discloses in his patent a system for material process control that includes a storage system to store certain identifications and associated fiber quality data. Anthony also discloses measurement sensors placed in gins that can provide fiber quality data without significant disruption to the ginning process. Anthony further discloses the ability of transmitting the fiber quality data colleted by the measurement sensors via a communications network to a storage device for storage. Anthony however does not disclose a method for buyers to access the storage device to select bales of fiber according to selected values.

Lindsey discloses the ability to input information into a buyer's terminal, which information is indicative of a desire to look at bales available for sale. Also, in response

to such a request, a menu appears on the buyer's terminal screen indicating information to input to complete a transaction for purchasing one or more bales of cotton (column 10, lines 4-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's system to include the ability for buyers to interrogate the database storage device to select bales of fiber according to selected values. One would have motivation to perform such modification to facilitate the buyer's process of selecting wanted goods to complete the purchase.

6. Claims 11, 12, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 5,063,507 to Lindsey et al.

Anthony discloses in his patent a dynamic programming model that optimizes cotton producers' profits by selecting the amount of gin machinery necessary to achieve the most beneficial market value. Anthony does not disclose a method of calculating the purchase price of fiber in bales. Anthony also does not disclose what happens to the bales of cotton after it finishes the ginning process.

Lindsey discloses that after compressing cotton at the gin, the bales are transported to a warehouse for storage (column 4, lines 23-24). Buyers and sellers complete an order by agreeing on the sells of the bales of cotton and on a particular price. The buyer is then invoiced for the amount of the sale, plus any additional agreed upon costs (column 10, lines 65-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's invention to include a transporting and storing of bales of cotton fiber, and also providing

the cost of bales of fiber to the buyer. One would be motivated to perform such modification to provide the pricing of bales of fiber that includes additional costs to the buyers to complete the purchasing process.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THOMAS A. DIXON
PRIMARY EXAMINER

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